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6 Attorneys for Putative Defendants  
7 Safeco Insurance Companies, Liberty  
Mutual Group, and Safeco Corporation  
8 and Defendant First National Insurance  
Company of America  
9

10  
11 UNITED STATES BANKRUPTCY COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13

14 In re:

15 HSR GENERAL ENGINEERING  
CONTRACTORS, INC.,

16 Debtor.  
17

18 HSR GENERAL ENGINEERING  
CONTRACTORS, INC.,

19 Plaintiff,  
20

21 v.

22 SAFECO INSURANCE COMPANIES, et  
al.,

23 Defendants.  
24

Case No. 10-58737

Chapter 11

Adversary No. 10-05309 CN

**DECLARATION OF JOEL M. LONG  
FOLLOWING AUGUST 12, 2011  
HEARING ON MOTIONS TO COMPEL  
AND FOR SANCTIONS AGAINST  
PLAINTIFF**

25 I, Joel M. Long, declare as follows:

26 1. I am licensed to practice law before all courts of the State of California and before  
27 this Court, and I am an attorney with the law firm of Sedgwick LLP (formerly Sedgwick, Detert,  
28 Moran & Arnold LLP), counsel of record for putative defendants Safeco Insurance Companies,

1 Liberty Mutual Group, and Safeco Corporation and defendant First National Insurance Company  
2 of America (collectively, the "Defendants"). I am one of the attorneys who has performed legal  
3 services on the Defendants' behalf in this adversary proceeding, as well as on behalf of creditor  
4 First National Insurance Company of America in the main Chapter 11 bankruptcy proceeding.

5 2. The matters stated in this declaration are of my own personal knowledge except as  
6 to those matters which are based on information and belief, and as to those matters, I am  
7 informed and believe them to be true. If called upon I could and would competently testify to all  
8 matters stated in this declaration under oath.

9 3. On August 12, 2011, the Court heard the Defendants' motions to compel and for  
10 sanctions against plaintiff HSR General Engineering Services, Inc. ("HSR") in the above-  
11 captioned adversary proceeding.

12 4. The Court granted the Defendants' motion to compel as to HSR's failure to serve  
13 Fed.R.Bankr.P. 7026 initial disclosures, among other things.

14 5. With respect to the Defendants' motion for sanctions, the Court stated that  
15 counsel for the Defendants could submit a declaration of estimated time spent in connection with  
16 the initial disclosures aspect of the motions for consideration by the Court in awarding sanctions.

17 6. I spent 0.3 hours in preparing the June 6, 2011 letter to HSR's counsel regarding  
18 HSR's failure to serve initial disclosures.

19 7. I spent 7.4 hours in preparing the Defendants' initial moving papers, including:  
20 (a) notice of motion to compel; (b) motion to compel; (c) memorandum of points and authorities  
21 in support of motion to compel; (d) notice of motion for sanctions; (e) motion for sanctions; and  
22 (f) memorandum of points and authorities in support of motion for sanctions. In addition, I spent  
23 2.0 hours preparing the declaration in support of the motions.

24 8. I spent a total of 6.0 hours preparing the Defendants' reply brief and supplemental  
25 declaration in support of the motions.

26 9. I spent 4.8 hours attending the April 12, 2011 hearing on the motions, including  
27 travel time to and from my office in San Francisco to the courthouse in San Jose.  
28

1           10.     The 0.3 hours described in Paragraph 6 above pertains solely to the initial  
2 disclosures aspect of the motions.

3           11.     Of the 18.2 hours described in Paragraphs 7-9 above, only a relatively small part  
4 pertains to the initial disclosures aspect of the motions, with the balance of the time related to the  
5 other discovery issues addressed in the motions. When recording my time, I did not divide the  
6 18.2 hours between different aspects of the motions, such as “X” number of hours for the initial  
7 disclosures aspect of the motions, “Y” number of hours for the interrogatories aspect of the  
8 motions, etc. Rather, I billed by the tasks described in Paragraphs 7-9 above.

9           12.     In reviewing the time spent and work performed, I estimate that 10-20% of the  
10 18.2 hours described in Paragraphs 7-9 above pertained to the initial disclosures aspect of the  
11 motions, with the balance of the time related to the other discovery issues addressed in the  
12 motions. If the middle point of this estimated range – 15% – is used, then the estimated hours for  
13 the initial disclosures aspect of the motions was 2.7 hours (18.2 multiplied by 15% and rounding  
14 the result down to the nearest tenth of an hour).

15           13.     Adding the 0.3 hours from Paragraph 10 above and the 2.7 hours from Paragraph  
16 12 above totals 3.0 hours associated with the initial disclosures aspect of the motions.

17           14.     As explained in my declaration in support of the motions (Docket No. 33), my  
18 billing rate for work on this matter is \$275 per hour, and I believe that this rate is reasonable and  
19 consistent with rates charged for similar work on behalf of similarly situated clients in the Bay  
20 Area legal marketplace.

21           15.     Three hours multiplied by \$275 per hour totals \$825, which I believe represents a  
22 reasonable estimate of the attorney’s fees incurred by the Defendants in connection with the  
23 initial disclosures aspect of the motions.

24           I declare under penalty of perjury that the foregoing is true and correct. Executed this  
25 19th day of July, 2011.

26                               /s/ Joel M. Long

27                               Joel M. Long